

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNION UNIVERSITY,

Plaintiff,

v.

No. 1:20-cv-01254-JDB-jay

EVANSTON INSURANCE COMPANY,

Defendant.

ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT AS MOOT

The complaint in this matter was filed on November 11, 2020, (Docket Entry (“D.E.”) 1) and amended on January 8, 2021 (D.E. 19). Motions for summary judgment were filed by both parties in April and May 2021 (D.E. 28, 33) and are pending. On April 29, 2021, the Plaintiff, Union University, moved to file a second amended complaint. (D.E. 31.) Pursuant to an order of reference (D.E. 35), the motion was granted in an order entered by United States Magistrate Judge Jon A. York on July 14, 2021 (D.E. 47). The magistrate judge’s order advised the parties that any appeal thereto must be filed within fourteen days. The second amended complaint was filed on July 20, 2021. (D.E. 48.) No appeal of the magistrate judge’s order has been filed and the time for such appeal has elapsed. Thus, the second amended complaint stands as the operative pleading in this action.¹ Because “[a]n amended complaint supersedes an earlier complaint for all purposes,” *In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013), the pending motions for summary judgment are hereby DENIED as moot, *see Law v. Stewart*, No.

¹The Defendant, Evanston Insurance Company, filed its answer to the second amended complaint on July 29, 2021. (D.E. 50.)

1:09-cv-503, 2010 WL 2998515, at *1-2 (W.D. Mich. July 23, 2010) (filing of an amended complaint rendered pending motion for summary judgment irrelevant).

IT IS SO ORDERED this 30th day of July 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

